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BOOK REVIEWS

CHARLES W. McCLUMPHA, *Editor-in-Charge.*

A TREATISE ON THE LAW AND PRACTICE OF RECEIVERS. By Ralph E. Clark. Cincinnati, Ohio: THE W. H. ANDERSON COMPANY. 1918. pp. lxxxv, 2176.

The title page states that this work is an analysis of and commentary on the usages and rules of equity pertaining to receivers as established and applied by the courts of the United States and Great Britain; including practice, procedure, pleadings and forms in receivership cases, with a carefully prepared chapter on "The Trading With the Enemy Act" as it relates to Alien Property Custodians.

To those practitioners who believe in the use of text-books, and especially those lacking practical experience in receivership litigation, this treatise will doubtless prove the most valuable work now available upon the subject. It is by several years the latest production; and it contains a comprehensive collection of and reference to the various statutes, English as well as state and federal, in addition to a reasonably complete set of well selected forms. It is, however, nothing more than a good text-book, as text-books go. As with most of them, it is unsafe to rely entirely upon the text as a correct statement of the law, except with respect to the most fundamental propositions; and, as a rule, these are stated in such general terms as to be of little value in actual practice, other than to serve as a starting point for a detailed examination into the decisions in point.

The treatment of the subject matter as a whole is well done; the arrangement of the various subdivisions of the main subject is logical and orderly; the chapter headings are well chosen for the purpose of indicating the general nature of the chapter; and the index appears to be complete and accurate. So far as what might be called the mechanical features of the work are concerned, therefore, there can be no criticisms.

To compete with the digests and encyclopædias, however, a text-book should have some feature peculiar to itself. In this case the author had an opportunity to accomplish this by an independent and real discussion of the principles and decisions involved in several questions upon which there is a decided conflict of authority: notably, questions respecting the conflict of jurisdictions and the rights and powers of receivers in jurisdictions other than that of their appointment, the *lis pendens* rule, suits against a receiver in his official capacity, and actions by a receiver to obtain possession of property. With respect to these questions the author in the main has contented himself with stating simply that there is conflict in the statutes and the decisions and that the law in each particular jurisdiction where the action is brought should be carefully investigated. It is, of course, of material value to a practicing lawyer to be in-

formed that the law upon any given proposition is in doubt and should be carefully looked into; but one of the objects of a text-book is to give information with respect to just what the law is in each jurisdiction where it has been determined by decisions or settled by statutes.

As a treatise upon the law of receivership this work would be of more value to the busy lawyer if it had omitted that part dealing with the Trading With the Enemy Act, and had included a more complete statement of the law upon those propositions where there is serious conflict. Capture of enemy property by the Alien Property Custodian, it is true, is in some respects a statutory receivership; but the analogy is so general only that no sufficient reason for inserting that part of the work dealing with this subject appears, unless it be to expand into two volumes what otherwise might well have been compressed into one.

The most valuable distinguishing feature of the work is that with respect to legislation and rules of practice. A perusal of this part of the treatise will benefit even the most experienced lawyer, particularly if he is about to appear in a court or jurisdiction new to him. The treatment of this part of the subject matter, however, is subject to the criticism made above, in that at least the substance or effect of these statutes and rules in each separate jurisdiction might have been stated, instead of referring to statutes which, in large part, is all that is done. This part of the work, however, indicates a very large amount of painstaking research; and it is a pity that the steady grind of legislation will make it out of date in a very few years.

Considered as a whole, as above stated, this work is undoubtedly the most valuable of any upon the subject matter now available; but there is no reason for believing that in the course of a very few years it will not follow the vast majority of similar productions into the discard.

Spier Whitaker.

CRIMINOLOGY. By MAURICE PARMELEE. New York: THE MACMILLAN COMPANY. 1918. pp. xiii, 522.

One is impressed on reading this book that criminology is a science of many things. A volume that, in the scope of five hundred pages, attempts to deal with "the theory of the nature and evolution of crime, criminal sociology, criminal anthropology, criminal psychology, criminal jurisprudence, and penology" has, indeed, a large task to perform.

The author brings to this task evidence of great industry, wide reading, and a genuine interest in the topics with which he deals, and he has assembled in his book much varied and interesting information. For instance, the chapter on "The Influence of Civilization Upon Crime" contains some striking statistical material on the influence of religious belief on criminality, and an excellent discussion of these statistics. The chapters on "The Mental Basis of Criminality," "Criminal Aments," and "Types of Criminals" are all valuable both